

REMARKS

Claims 1-5 and 15-19 are now pending in this application. Claims 6-14 are withdrawn, and are cancelled herein. Claims 1-5 and 15 are rejected. New claims 16-19 are added. Claims 1, 2, 4 and 5 are amended herein to clarify the invention, to express the invention in alternative wording, broaden the language as deemed appropriate and to address matters of form unrelated to substantive patentability issues.

Applicants herein traverse and respectfully request reconsideration of the rejection of the claims and objection cited in the above-referenced Office Action.

Applicants herein traverse and respectfully request reconsideration of the rejection of the claims cited in the above-referenced Office Action.

Claim 15 is provisionally rejected under the judicially created doctrine of the "obviousness" type double patenting rejection as unpatentable over claims 1, 5, 9 and 10 of U.S. Patent Application No. 12/231,970 (which is a divisional application of the present application).

With regard to the judicially created doctrine of the "obviousness" type double patenting rejection, applicant submits that the divisional application of the present application is not proper prior art because the Examiner issued a restriction requirement in the parent application (i.e., the present application) directly applicable to the claims presently involved. With regard to divisional applications, 35 U.S.C. § 121 states that a "patent issuing on an application with respect to which a

requirement for restriction under this section has been made, or on an application filed as a result of such a requirement, shall not be used as a reference either in the Patent and Trademark Office or in the courts against a divisional application or against the original application or any patent issued on either of them, if the divisional application is filed before issuance of the patent on the other application."

With regard to method claim 10, inadvertently included in the divisional application, applicants will be filing a preliminary amendment which cancels this claim.

Withdrawal of the provisional rejection of claim 15 is therefore earnestly solicited.

Claims 1-5 and 15 are rejected as indefinite under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter of the invention as a result of informalities stated in the Office Action. The claims are amended to remove or correct the informalities noted in the Office Action. Therefore, reconsideration of the rejection of claims 1-5 and 15 and their allowance are earnestly requested.

Claims 1-4 are rejected under 35 U.S.C. § 102(b) as being anticipated by White (US 5,237,945). Applicants herein respectfully traverse these rejections. "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" ***Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.***, 221 USPQ 481, 485

(Fed. Cir. 1984) (emphasis added) It is respectfully submitted that the cited reference is deficient with regard to the following.

Independent claim 1 is amended, and now positively recites “transferring the powder particle layer onto the base sheet while shifting the powder particle layer held on a temporary receiving roller face,” a feature lacking in the cited White reference.

The disclosure of White, in contrast to the claimed invention, is limited to dropping of particles onto a sheet material 240 from clay feeders 222, 224, 226 of conveyer belts which are not rollers (see White, col. 13, lines 58-64 and col. 14 lines 9-10, Fig. 4).

In view of the above, it is respectfully submitted that claims 1-4 particularly describe and distinctly claim elements not disclosed in the cited reference. Therefore, reconsideration of the rejections of claims 1-4 and their allowance are respectfully requested.

Claims 1-5 and 15 are rejected under 35 U.S.C. § 102(b) as being anticipated by Melican (US 4,232,674). Applicants herein respectfully traverse these rejections.

As noted above, independent claim 1 now recites “transferring the powder particle layer onto the base sheet while shifting the powder particle layer held on a temporary receiving roller face.” Applicants respectfully submit that Melican is devoid of teaching or suggestion of this claimed feature.

The disclosure of Melican is limited to a vibratory feeder 2 with a series of grooved channels (which is not a roller), which feeds a gel material onto layers of tissue materials 5, 6 held on rollers 3, 4 (see Melican, col. 2, line 66- col. 3, line 10).

In view of the above, it is respectfully submitted that claims 1-5 and 15 particularly describe and distinctly claim elements not disclosed in the cited reference. Therefore, reconsideration of the rejections of claims 1-5 and 15 and their allowance are respectfully requested.

Dependent claims 16-19 are added and are submitted as patentable over the cited art of record and are submitted as patentable based on the subject matter cited therein in addition to the subject matter of their respective base claims. New claims 16-19 read on the elected invention of Group I, drawn to a method of manufacturing a sheet.

Applicants respectfully request a one (1) three month extension of time for responding to the Office Action. Please charge the fee of \$130 for the extension of time to Deposit Account No. 10-1250.

The USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form
for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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